

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 PABBAN DEVELOPMENT, INC.,

11 Plaintiff,

12 vs.

13 KYPHON SÀRL, MEDTRONIC, INC.,
14 AND DOES 1-100,

15 Defendants.

No.: SACV 10-533 BRO (RNBx)

JUDGMENT

Honorable Beverly Reid O'Connell

16 KYPHON SÀRL and MEDTRONIC,
17 INC.,

18 Counterclaimants,

19 vs.

20 PABBAN DEVELOPMENT, INC., BIO-
21 MEDICAL DEVICES, INC., BIO-
22 MEDICAL DEVICES
23 INTERNATIONAL, INC., and HARRY
24 N. HERBERT,

25 Counterdefendants.
26
27
28

1 Following trial on the respective claims and defenses of Pabban
2 Development, Inc. ("Pabban"), Bio-Medical Devices, Inc. ("BMD"), Bio-Medical
3 Devices International, Inc. ("BMDI"), Harry N. Herbert ("Herbert"), Kyphon Sàrl
4 ("Kyphon"), and Medtronic, Inc. ("Medtronic"),

5 IT IS HEREBY ORDERED AND ADJUDGED that:

6 On Pabban's first cause of action for breach of contract against Kyphon
7 and Kyphon's first cause of action for breach of contract against Pabban, judgment is
8 entered in favor of Pabban and against Kyphon in the amount of Fifteen Million Four
9 Hundred Sixteen Thousand Dollars and Zero Cents (\$15,416,000.00).

10 On Pabban's second cause of action for breach of contract against
11 Medtronic, judgment is entered in favor of Medtronic and against Pabban. Pabban
12 shall take nothing on this claim.

13 On Kyphon's third cause of action for fraud against Pabban, BMD,
14 BMDI, and Herbert, judgment is entered in favor of Pabban, BMD, BMDI, and
15 Herbert and against Kyphon. Kyphon shall take nothing on this claim.

16 All other claims are dismissed with prejudice.

17 **IT IS SO ORDERED.**

18 Dated: August 8, 2014

19
20 By: _____



21 HON. BEVERLY REID O'CONNELL
22 United States District Court Judge
23
24
25
26
27
28